

4837. Misbranding of Gerstle's Female Panacea. U. S. v. Gerstle Medicine Co., a corporation. Submitted to information. Fine, \$37.50 and costs. (F. & D. No. 6103. I. S. No. 7064-e.)

On February 11, 1915, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Gerstle Medicine Co., a corporation, Chattanooga, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 16, 1912, from the State of Tennessee into the State of North Carolina, of a quantity of "Gerstle's Female Panacea" which was misbranded. The article was labeled: (On bottle) "G. F. P. Trade Mark. Gerstle's Female Panacea Contains 20 per cent alcohol. Prepared by Gerstle Medicine Co. Chattanooga, Tenn. For Irregular, Painful, Profuse, or Suppressed Menses, Whites, Falling of the Womb, Female Weakness, and Nervousness. Directions.—Shake Well Before Using. For Suppressed Menses.—Take a tablespoonful three times a day, before meals, and continue until the flow is well established. For Irregular, Painful, or Profuse Menses.—Begin a few days before the menses appear and take from one to two teaspoonfuls four times a day, morning, noon, and evening, and before retiring. After the period has passed reduce the dose to a teaspoonful three times a day. Continue this form of treatment until the desired result is obtained. For Whites, Falling of the Womb, Change of Life, and as a Tonic.—Take from one to three teaspoonfuls three times a day as long as required. Serial No. 183. Guaranteed by Gerstle Medicine Co. Under the Food and Drugs Act. June 30, 1906. Registered in U. S. Patent Office. Important. While using this medicine the bowels should be kept open and regular. We recommend St. Joseph's Liver Regulator for this purpose, as we know what it contains, and know it will work in perfect harmony with this medicine. Gerstle Medicine Co. Chattanooga, Tenn." (Blown in bottle) "G. F. P. Gerstle Medicine Co. Chattanooga, Tenn." (On carton) "Gerstle's Female Panacea G. F. P. Trade Mark. Contains 20 Per Cent Alcohol. Prepared by Gerstle Medicine Co. Chattanooga, Tenn. For Irregular, Painful, Profuse, or Suppressed Menses, Falling of the Womb, Whites, Female Weakness, and Nervousness. Price, \$1 per Bottle. Six Bottles, \$5. Serial No. 183. Guaranteed by Gerstle Medicine Co. under the Food and Drugs Act, June 30, 1906. Registered in U. S. Patent Office." (Side of carton) "G. F. P.—Gerstle's Female Panacea for Diseases of Women. Caution. To insure the public of getting the genuine G. F. P. (Gerstle's Female Panacea) the present owners herewith produce a fac-simile signature of the original proprietor of the medicine, which signature will be printed on all cartons and wrappers containing this medicine. None genuine without the signature of S. Gerstle." (Other side of carton) "G. F. P.—Gerstle's Female Panacea Has for many years been used most successfully by women who suffered from the diseases peculiar to their sex, and they have written us many letters in commendation of its curative power. It is a highly invigorating tonic and will produce good results. We recommend it as being specially adapted to the varying conditions produced by the Change of Life. It has proven very helpful to the young girl just merging into womanhood, and to the nervous, overworked, exhausted woman. It has wielded a powerful influence over the various forms of menstrual derangements."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a hydroalcoholic solution containing 1.6 per cent of vegetable extractive matter, including a trace of alkaloid, and 16.3 per cent by volume of alcohol.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the labels of the bottle and carton aforesaid, to wit: "Gerstle's Female Panacea * * * For Irregular, Painful, Profuse or Suppressed Menses, Whites, Falling of the Womb, Female Weakness," were false and fraudulent in that the same were applied to the article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained ingredients or medicinal agents effective, among other things, as a female panacea for irregular, painful, profuse, or suppressed menses, whites, falling of the womb, and female weakness, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On May 23, 1916, the defendant company entered its submission to the information, and the court imposed a fine of \$37.50 and costs.

CARL VROOMAN,
Acting Secretary of Agriculture.